

STATE OF NEVADA  
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

IN THE MATTER OF THE CITY OF SPARKS' OBJECTION TO THE APPLICATION FOR RECOGNITION OF EMPLOYEE ORGANIZATION BY OPERATING ENGINEERS, LOCAL NO. 3, AFL-CIO, )  
ITEM NO. 530  
CASE NO. A1-045749  
ORDER

For City of Sparks: Charles P. Cockerill, Esq.

For Operating Engineers, Local No. 3: Dan Venters, Business Representative

On or about October 8, 2002, the Operating Engineers, Local Union No. 3 (hereafter "Operating Engineers"), notified the City of Sparks, Nevada (hereafter "Sparks"), that it sought recognition as the bargaining representative of the security employees working at the Sparks' Municipal Court.

On or about October 12, 2002, Sparks filed an objection to that recognition request with the Local Government Employee-Management Relations Board (hereafter the "Board").

On November 15, 2002, the Board conducted deliberations on whether to hold a hearing on the objection to request for recognition, noticed in accordance with Nevada's Open Meeting Law, and based upon such deliberations,

IT IS HEREBY ORDERED that the parties provide this Board with briefs and affidavits in support of their respective positions, including but not limited to addressing the following areas: (a) what entity is responsible for the employees' wages; (b) what entity is responsible for workers' compensation and employment security contributions for these employees; (c) what entity provides the W-2 forms annually to these employees; (d) the degree of supervision exerted by Sparks and/or the Court; (e) which entity has the right to hire and fire such employees; (f) which entity controls the employees' hours and location of employment; and (g) the extent to which the workers' activities further general business concerns of the alleged employer. See,

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1 e.g., Washoe Co. Probation Employees' Assn. v. Washoe Co. Juvenile Ct., EMRB Item No. 334  
2 (May 18, 1994), citing Clark Co. v. SIIS, 102 Nev. 353, 354, 724 P.2d 201 (1986).

3 DATED this 26<sup>th</sup> day of November, 2002.

4 LOCAL GOVERNMENT EMPLOYEE-  
5 MANAGEMENT RELATIONS BOARD

6 BY:   
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8 JOHN E. DICKS, ESQ., Chairman

9 BY:   
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11 JANE TROST, ESQ., Vice-Chairman  
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